DOCUMENT No. 24.

BOARD OF

ASSISTANT ALDERMEN,

JANUARY 9th, 1837.

Communication from the Water Commissioners, setting forth the progress of the works for supplying the City with pure and wholesome Water. Laid on the table and ordered to be printed.

JOHN NEWHOUSE, *Clerk.*

To the Honorable the Common Council of the City of New-York:

The Water Commissioners had the honor of presenting a communication to the Common Council on the first day of August last, stating briefly the progress and situation of the works for supplying this city with pure and wholesome water, up to and including that date; and they now beg leave to lay before your honorable body the material facts in the progress of the work from that date to the first day of January, 1837.

It was stated in the communication referred to, that Commissioners of appraisement had been appointed by the Vice

Chancellor to take certain lands for the Croton Aqueduct, belonging to John Griffin, James Palmer, Zophar Palmer, and Joshua Purdy. One of the persons appointed, however, was absent from this state at the time, and the vacancy was not filled by the Vice Chancellor until the 26th of July, 1836.

The names of the gentlemen then, and now, acting as Commissioners of Appraisement, are as follows, viz: William Jay of Bedford, Abraham Miller of Northcastle, and William Nelson of Peekskill, all in the county of Westchester. They were notified to meet on the 2d of August, 1836, at the village of Sing Sing, for the purpose of appraising the amount of compensation to be paid the persons above named, asowners of the property, required by the Water Commissioners.

The appraisers accordingly met at the house of S. M. Tompkins, in the village of Sing Sing, at 12 o'clock, M. on the 2d day of August, aforesaid, and completed their estimate and appraisal on the 3d of August, which was handed to Daniel B. Tallmadge, Esquire, the Solicitor of the Water Commissioners, to be reported forthwith to the Chancellor for confirmation.

This appraisement was duly confirmed by the Chancellor on the 8th of August, and was as follows:

	For Land of			
James Palmer,	$5\frac{858}{1000}$ of acres,			$700 00
Zophar Palmer,	$\frac{768}{1000}$ "			45 00
Joshua Purdy,	$4\frac{951}{1000}$ "			500 00
John Griffin's West lot,	$11\frac{770}{1000}$ "	$425		
John Griffin's East lot,	$14\frac{184}{1000}$ "	1425		1850 00
Total of acres,	$37\frac{531}{1000}$ "	Total,		$3095 00

The reasons why so small a portion of the land required for the Aqueduct, was placed under Commissioners of Appraisement in the first instance, was, because the map of these lots were among the first furnished us by the Engi-

neers, and the owners of the land were the first who positively refused to sell or negociate with us for its purchase.

It may be proper to state in this place, the difficulties the Commissioners have to encounter in obtaining the land required for the works. In a former paper we alluded to the opposition attempted by a portion of the inhabitants of Westchester; their unreasonable demands, as indicated by resolutions passed at public meetings, and their remonstrances to the Legislature. The prejudices produced in the minds of many by these proceedings, tends very much to embarass the operations of the Commissioners in their endeavours to obtain possession of the necessary land on fair and equitable terms, and without possession, either by purchase or through the appraisers, we are not authorised to use or disturb its soil in the prosecution of the work.

We are bound by the statute, first, to agree with the owner of any property which may be required for the purpose, as to the amount of compensation to be paid such owner; and it is only in the event of disagreement between the Commissioners and the owner, except in the case of infants, married women, insane persons and absentees, that we are authorised to apply to the Chancellor for the appointment of Commissioners to examine the property and estimate the value thereof. The Chancellor, before appointing Commissioners, requires an affidavit from the Water Commissioners, that an attempt has been made to agree with the owner of the property, and that they were unable to agree. There are on the line of Aqueduct and Croton reservoir about 200 owners. First, it is necessary to ascertain the name and residence of these respective owners, and that done, each resident must be seen in person. Some of them are not at home when called on; others are a mile or two away from their residence; and many who are seen, want time to make up their minds as to the amount of compensation they ought to receive; and another, and in some instances, two or three calls must be made before the matter can be closed. This, to be

effected on a line of thirty odd miles, is not very easily accomplished.

Having failed to purchase by agreement, and application having been made to the Chancellor for Commissioners of Appraisement, the application will not be granted which every owner is notified, in due form, of the fact, in order that he may appear in person, or by Counsel, and oppose the application if he deems proper. The Chancellor having appointed the Commissioners, each owner of land to be taken, must again be served with a notice of the time and place of meeting, in order that they may appear and produce evidence of the value of their property, and the damage they will sustain by its occupation for the Water Works. This having been got through with, and the report of the Commissioners duly laid before the Chancellor, some distant day is appointed for hearing objections why the report should not be confirmed. After confirmation, searches are to be made, in order to ascertain the validity of title to each piece of land, be it more or less ; and the objections or others, not coming forward before the expiration of sixty days to claim the amount awarded them, it becomes necessary that a tender of money should be made them personally, and on refusal to receive it, to pay it into Court. There is an additional embarassment which has grown up since the line of the Aqueduct was marked out. Whether it has emanated from the mania for speculating in lots, or from a disposition to enhance the value of the land, the Commissioners have no positive means of deciding ; but, the fact is, that since the period alluded to, we find the line of the Aqueduct crossing village lots in several places, where we formerly only met with fields appropriated to the plough or for pasture. Instead of one owner, therefore, as we had originally supposed, we find several ;—the map of the line of Aqueduct must be made to conform to this new arrangement, and when the subject is brought before the Appraisers, there is no lack of evidence to prove, that as much has been offered for one of these new village lots, and that it is worth as much, or more, than would have been given for

several acres of the ground a short time previous. These embarassments, thus thrown in the way of our proceedings, may account, in a measure at least, for the delays which have occurred in the progress of this portion of the work.

None of the persons included in the first appraisement, called for the amount awarded them by the Commissioners before the expiration of the sixty days from confirmation, and we accordingly dispatched P. S. Cooke, Esq. with the amount in specie, to make the tender; two of them refused the tender, and the amount of their awards was paid into the Court of Chancery.

At a meeting of the Board of Water Commissioners on the 13th of August, 1836, a resolution was passed, directing D. B. Tallmadge, Esq. as Solicitor of the Commissioners, to apply to the Vice Chancellor for the appointment of Commissioners of Appraisement on such portions of the land, not already purchased, as is designated on the map of the Aqueduct from number 5 to 38, inclusive. This range extends from the land of Henry Lounsberry, designated on Map number four, which has been purchased by the Commissioners, to the State farm at Sing Sing.

An act was passed by the Legislature on the 11th of May, 1836, authorising the Water Commissioners, with the consent of the Governor, to construct the Aqueduct through the State farm appurtenant to the State prison at Sing Sing, and the consent of the Governor was officially obtained, for the purpose, on the 23d day of September, 1836.

It was the middle of October before the Chancellor decided on the appointment of Appraisers, in the case referred to the Solicitor by the Commissioners on the 13th of August last. He then appointed the same gentlemen who had served on the first case submitted, viz: Messrs. Jay, Nelson, and Miller. They were regularly notified to meet at Sing Sing on the 28th of October, and a Committee from the Commissioners repaired to that place for the purpose of furnishing such information on the subject before the Appraisers, as might be

deemed necessary and proper. Two of the gentlemen appointed appraisers attended at the place and time designated by their notice; the third did not attend, his notice having taken a wrong direction. They adjourned to meet on the 3d of November, and measures were adopted to inform the absentee of the fact.

The Appraisers met accordingly on the 3d of November, the whole Board being present. They spent three days in hearing evidence brought forward by the owners of the land to be taken, and on the evening of the last day, completed their report. There were twenty-eight owners of the land comprised in the report of the Appraisers; the quantity taken was 57 Acres 465 thousandths, and the aggregate award amounted to $27,140 12 cts. This report was handed to our Solicitor on the 7th of November, 1836, to be presented to the Chancellor for confirmation. On the 28th of November, the question of confirming the report came up before the Chancellor for consideration, and Counsel was heard in opposition, and in favour of eight of the awards, when further proceedings was adjourned to the 7th of December for a rehearsing. At the day appointed, the subject again came up, and judgment was given by the Chancellor, confirming the whole report, except six cases, which were referred back to the same Appraisers for re-examination.

The following persons have since received the amount awarded them, viz:

John Sing, for 286 thousandths of an acre, - -	$3,500 00
Willet Holmes, 51 thousandths of an acre, - -	450 00
Russell Barnam, for one thousandth of an acre,	350 00
John Hogg, for 1 acre 392 thousandths, - -	300 00
John Hoag, for one acre 392 thousandths, - -	300 00
Michael Lent, for 16 thousandths of an acre, -	250 00
Robert Acker, for 57 thousandths of an acre, -	125 00
Estate of Henry Waller, for 294 thousandths, -	2500 00
Edward Auser, 2 acres and 213 thousandths. -	2200 00
Total,	$9675 00

Nearly the whole of this land forms parts of village lots.

At a meeting of the Water Commissioners on the 18th of October last, it was resolved, to apply to the Chancellor for the appointment of Appraisers on all the land required for the Aqueduct, between the Croton and Harlæm river, which had not already been purchased or taken by appraisement. As yet, however, the Apppraisers have not been appointed, neither have they met on the cases referred back to them for re-consideration.

In addition to these perplexing delays, (whether chargeable to the form of proceedings by the Court, or the neglect of applicants, the Commissioners are not competent judges,) they have had to contend with what they have considered much lack of energy in the operations of their Engineer department. We took occasion to state in our communication of the first of August, already alluded to, that on the 23d of July, 1836, certain information was requested of the Chief Engineer, which he had promised to furnish as soon as practicable; and that, on the production of which, we were still in hopes of being enabled to place some part of the work under contract before the close of that year. These hopes, however, have not been realized, and the Commissioners having felt much dissatisfaction for this disappointment, and for other cause, they finally determined to make a change in the office of Chief Engineer, and he was accordingly notified of the fact. After proper enquiry on the subject, they fixed upon John B. Jarvis, Esq. as Civil Engineer, who had been engaged on most of the great works constructed by this State, and who was extensively known as an energetic and practical conductor of the public works. The negociations with Mr. Jarvis having resulted favourably, he was appointed Chief Engineer of the works for supplying this city with water, on the 11th of October, 1836, at an annual salary of five thousand dollars; and an official letter was transmitted to him by the Chairman, announcing the fact of his appointment. He arrived here on the 19th, and on the 20th two of

the Commissioners accompanied him to Sing Sing and Yonkers, where parties of the Engineer corps were engaged, and placed him in the direction of the Engineer department of the works. Mr. Jarvis has since inspected the whole line of the Aqueduct, from the Croton to the Harlæm river. His opinion of the route, so far as he was able to judge from viewing it, without instrumental examination, appears favorable, and the location of the dam at Garritson's Mills, he thinks the best, under the circumstances of the case, that could be obtained.

It was found that most of the stakes on the line had been removed; whether intentionally by persons inimical to the work, or by accident while ploughing the field, or reaping the crop, the Commissioners have not been able to ascertain. A party was accordingly formed for re-setting the stakes in a more permanent manner than heretofore.

The Commissioners feeling a strong desire to have some part of the work under contract at the opening of the next working season, requested the Chief Engineer to have shafts sunk at the site for the dam, and on the line of the Aqueduct from that place to Sing Sing, about 8 miles in length, in order to exhibit the soil and nature of the ground to be excavated, both for the information of the contractors as well as ourselves. These operations were nearly completed, when the cold became so intense as to prevent further progress until a change of weather.

Examinations have also been made of the ledges of rock on the line of Aqueduct, and near the site of the dam, to ascertain whether suitable stone, by quarrying, can be obtained in convenient situations for the works. The result has been as favorable as could be expected under the circumstances in which the examination was made, it having been prosecuted without assistants to open the ledges of rock examined, and during the inclement month of December last. There can scarcely be a doubt, however, that abundance of stone,

which will compose a majority of the materials wanted for the work, will be found on the line. Specimens of the stone discovered are deposited in the office of the Water Commissioners.

When Mr. Jarvis entered on the duty of conducting the engineering of the works, there were nineteen persons attached to the corps. He immediately set about diminishing their number, and there are now only five retained for service during the winter. Two of these are at the office at Sing Sing, engaged in preparing a map and profile of the several roads that intersect, or pass in the vicinity of the line of Aqueduct, in order that it may be seen at what place it will be necessary to obtain the privilege to pass over private property, in transporting to the work, the materials for constructing it; and three of the party are employed in the office of the Water Commissioners in this city, preparing the map and drawings, necessary to form the basis of the specifications of the aqueduct, culverts, bridges, &c.

In accordance with the 25th section of the act of the 2d of May, 1834, the Commissioners have regularly reported to the Comptroller, every six months, a detailed account of their receipts and disbursements, since their first operations under the ordinance of the Common Council, passed the 7th May, 1835, which directed them to proceed with the work.

The amounts disbursed for all matters connected with the works of supplying this City with water, are as follows:

From July 1835, to January 1836. - -	31,828 02
From January 1836, to July 1836, - -	12,070 84
From July 1836, to January 1837, - -	28,099 59
Total, - - - -	$71,998 45

For particulars, see our accounts rendered the Comptroller.

The following statement will show the whole quantity of land required for the Croton reservoir and aqueduct, the quantity paid for, the quantity under agreement, and appraised but not paid for, and the quantity still to be acquir-

ed, either by purchase or through the intervention of appraisers.

	Acres. Thous'ds.	
The whole quantity of land required for the Croton Reservoir and Aqueduct, from the Croton to Harlaem River,		813 $\frac{147}{1000}$
The quantity of land purchased and paid for around the Croton Reservoir,	241 $\frac{443}{1000}$	
The quantity taken by appraisement and paid for,	23 $\frac{300}{1000}$	
The quantity purchased and paid for on the line of the Aqueduct is	17 $\frac{915}{1000}$	
The quantity taken by appraisement and paid for on the line of the Aqueduct is	15 $\frac{901}{1000}$	
The total quantity paid for is	298 $\frac{559}{1000}$	
The quantity under agreement but not paid for is	4 $\frac{815}{1000}$	
The quantity appraised but not paid for is	53 $\frac{147}{1000}$	
The quantity of the State farm, the use of which was authorized by the Governor,	2 $\frac{417}{1000}$	358 $\frac{938}{1000}$
The quantity still to be obtained either by purchase or Appraisement is		454 $\frac{209}{1000}$
It thus appears, the quantity of land paid for, the title of which is vested in the Corporation of this City is	Acres. Thous'ds.	298 $\frac{559}{1000}$
The quantity under contract but not paid for is		57 $\frac{962}{1000}$
The quantity still to be acquired to Harlaem River is		454 $\frac{209}{1000}$
And the quantity of the State farm is		2 $\frac{417}{1000}$
Making the total as above		813 $\frac{147}{1000}$

The solicitude manifested by the members of your Honorable body, and by our fellow Citizens generally, for the progress of this great work, cannot be greater than that experienced by the Commissioners. It is this which has led to the change in the Engineer department, and they have reason to think, the result will be favourable to a more energetic prosecution of the business, and that it now may be calculated with some degree of certainty, that at least a portion of the work will be placed under contract in the spring of the present year.

Before closing this communication, the Commissioners beg leave respectfully to remind your Honorable body, that there are two subjects, presented by them for consideration which are yet undecided on, if the Commissioners are correctly informed, both of which require Legislative aid, and are considered important. One, on the subject of certain highways and turnpike roads, that will be covered with water by the damming of the Croton river; and the other, respecting the sites for the necessary Reservoirs on the Island of New York. Until the first is disposed of, we are prevented from building the Croton dam, as the roads alluded to, must be constructed before the Reservoir is formed ; and all operations on the Island of New York must be suspended, until the Legislature shall authorise an alteration of the City Map, in order that the Reservoirs may be permanently located.

There is another subject, which the Commissioners refer to with great reluctance. It has appeared by the proceedings of one of your Honorable boards, as published in the Newspapers some time since, that censure has been cast upon the Commissioners for some unknown cause, and that in debate, it had been stated, they were under no accountability, either to the public or to the Common Council, and that a resolution had been proposed to apply to the Legislature for an act compelling them to make quarterly reports to the Common Council. There seems to be some mistake

in this matter however, as the fact is, the Commissioners consider themselves accountable both to the public as well as to the Common Council. To the public they are accountable, for an honest and upright discharge of their duty, and to the Common Council they are accountable for a vigilant superintendance over those employed under them, and for the strictest economy in the expenditure of the funds placed in their hands. In order that your Honorable body might see that these funds were properly disbursed, the Commissioners have uniformly, as has before been observed, reported to the Comptroller a detailed account of their receipts and expenditures, at the end of every six months, since the commencement of their operations. These reports are made in conformity with the 25th section of the act of the 2d of May, 1834, to enable the Comptroller and finance Committee of the Board of Aldermen, to examine whether any improper expenditure had been incurred. The Commissioners have, in addition, always left their books open to the inspection of any member of the Common Council who might choose to examine them, and they have uniformly expressed to the Comptroller, a readiness to appear before the finance, or any other Committee of your Honorable body, and produce their vouchers for the expenditures incurred. Neither are they sensible of having at any time refused information to the Common Council, or any of its members or Committees, or neglected to report on any subject referred to them; and why your Honourable body should be led to doubt, that an ordinance or resolution directing the Commissioners to report quarterly to the Common Council, instead of half-yearly to the Comptroller, would not be complied with, and therefore, that it was necessary to ask an act of the Legislature for that purpose, is beyond their comprehension. The Commissioners will dismiss this subject however, with the hope, that nothing may occur, in the transactions of this important concern, to mar the good understanding which ought, and which

they still believe does exist, between them and your Honorable body.

All which is is respectfully submitted.

STEPHEN ALLEN,
CHARLES DUSENBERRY,
WILLIAM W. FOX,
SAUL ALLEY,
BENJAMIN M. BROWN,
Water Commissioners.

Office of the Water Commissioner's,
New-York, January 9th, 1837.